IN THE

Supreme Court of the United States

October Term, 1969

No. 1011

MARIETTA NORTON, et al.,

Petitioners,

v.

THE DISCIPLINE COMMITTEE
OF EAST TENNESSEE STATE UNIVERSITY, et al.,

Respondents.

PETITIONER'S REPLY BRIEF

on Petition for Writ of Certiorari

The respondents, at pp. 2-3 of their Brief, make a "Suggestion of Dimunition" reciting that some of the petitioners have received permission to re-enter the University. Without specifically saying so, it is their apparent hope that this "suggestion" will raise a question of mootness. Indeed they cannot say that the case is moot, because the students (petitioners) have, in their prayers for relief, asked that any indication of disciplinary suspension be expunged from their records and that they be awarded damages. (7a)

The notation of disciplinary dismissal on a student's records is often more serious than the dismissal itself. This notation prohibits, or at least makes more difficult, the student's enrollment elsewhere and admission to graduate school. It appears on the student's permanent record as a part of the information furnished to prospective employers.

Respondents' recital also omits, as it must, any reference to restrictive conditions upon which reenrollment was offered. This suit was for reenrollment without disability attributable to the suspension.

Respondents' quotation from *Taylor* v. *McElroy*, 360 U.S. 709, 711 (1959) establishes that this case is *not* moot. The quoted language includes: "the evidence in petitioner's file will not be used against him in the future, and that the findings against the petitioner have been expunged. . . ." *Id.*

Thus, contrary to respondents' implication, *Taylor* establishes that there is no mootness problem. *Cf. Carafas* v. *LaVallee*, 391 U.S. 234 (1968).

Respectfully submitted,

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